



# BOARD OF SELECTMEN

Clifford J. Hurgin Municipal Center, 1 School Street  
Bethel, Connecticut 06801 Telephone: (203) 794-8501

*Matthew S. Knickerbocker, First Selectman  
Richard C. Straiton, Selectman  
Paul R. Szatkowski, Selectman*

## MINUTES OF REGULAR MEETING

Tuesday, April 21, 2020  
7:00 p.m.

RECEIVED  
TOWN CLERK  
TOWN OF BETHEL  
APR 22 A 11:32

Video/ Teleconference video link: <https://zoom.us/j/7360902790>

Materials can be viewed at: <https://www.bethel-ct.gov/content/117/478/20785.aspx>

**Present:** First Selectman Matthew Knickerbocker, Selectman Richard Straiton, Selectman Paul Szatkowski and Town Counsel Martin Lawlor.

First Selectman Knickerbocker called the meeting to order at 7:00 p.m.

### **Consideration of approval of April, 7, 2020 regular meeting minutes:**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton to approve the minutes of regular meeting, April 7, 2020. Vote, all in favor, motion approved unanimously.

### **First Selectman’s Report:**

First Selectman’s Report  
Tuesday, April 21, 2020

- Current confirmed COVID-19 case load in Bethel: 129
- Number of fatalities: 9
- Fairfield County appears to have passed the “peak” on April 16th; fewer new cases per day over the past week.
- The rate of new cases and new hospitalizations is beginning to decrease.
- Dept. Heads and Staff are making plans to reopen town hall to the public in safe manner
- Confusion surrounding certain of Gov. Lamont’s Executive Orders o EO 7I-(13), issued on March 21st, contains a mandate requiring towns with town meeting form of government to empower the “budget making authority,” by vote of the Board of

Selectmen, to craft and approve a budget and set a mill rate without holding a town meeting nor referendum. o EO 7S-(7), issued on April 1st, contains some poorly crafted language that appears to overrule the provisions in 7I-(13) with the phrase, in part: “Nothing in this order shall prohibit a municipality from conducting any in-person meeting, approval process or referendum... providing such municipality first consults with local or state health officials..... and conducts such meeting in a way that significantly reduces the risk of transmission of COVID-19.”

- There are several serious legal problems with this ambiguous language:

- \*The paragraph that contains this sentence specifically refers to approvals to borrow money and appropriations for capital projects; it contains no reference to the municipal budget process.

- \*The language in 7S-(7) does not specifically overrule any previous executive order, which it should if the intent of the order was to vacate the provisions in 7I- (13). If the intent of 7S was to overrule 7I, this should have been clearly stated in the preamble.

- \*The provisions of EO 7N (issued March 26th), limiting public gatherings to no more than 5 people, also remains in effect, calling in to question the ability to run a “safe referendum” under any conditions. FS Report, April 21, 2020 o Dept of Public Health has offered no guidance on what would constitute a “safe referendum.”

- Aside from the legal problems with the order itself, the safety of poll workers and volunteers must be considered. A significant number of our poll workers are retirees over the age of 60, an age group that is several times more vulnerable to the virus than younger people.

- The town could be exposed to significant liability if a poll worker or a voter contracted the disease as a result of working in close proximity with others or just exercising their right to vote, as long as EO 7N remains in effect.

- Election results could be challenged if people chose not to vote due to not feeling safe to do so and felt the referendum should not have been conducted as long as the restrictions remain in effect. Many town mayors and first selectmen have asked the governor’s office to clarify this confusing this language, as well as provide specific guidance as to what constitutes a “safe” referendum. Until such time as we receive clarification on all of these very significant issues, a budget referendum is not under consideration.

### **Public Comments:**

Billy Michaels, Fleetwood Ave.; among other comments does not support the budget and no referendum

Cynthia McCorkindale, Elgin Dr.; among other comments, would like the date of budget approval moved back

Bill Hillman, Walnut Hill Rd.; among other comments, does not support the budget and no referendum,

Tim Beeble, Grassy Plain Rd.; among other comments, had ideas on how to hold a drive thru referendum.

Phil Gallagher, Sunset Hill Rd.; among other comments, wants a referendum.

Ann Scacco, Spring Hill Ln.; among other comments explained the benefits and timeline of the tax deferral program.

**Correspondence:** None

**Consideration of Fair Housing Resolution:**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski to approve the Fair Housing Resolution which read:

**TOWN OF BETHEL**

**FAIR HOUSING RESOLUTION**

**WHEREAS**, all persons are afforded a right to full and equal housing opportunities in the neighborhood of their choice; and

**WHEREAS**, Federal fair housing laws require that all individuals, regardless of race, color, religion, sex, handicap, familial status or national origin, be given equal access to all housing-related opportunities, including rental and homeownership opportunities, and be allowed to make free choices regarding housing location; and

**WHEREAS**, Connecticut fair housing laws require that all individuals, regardless of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability, sexual orientation, or gender identity or expression be given equal access to all housing-related opportunities, including rental and home ownership opportunities, and be allowed to make free choices regarding housing location; and

**WHEREAS**, the **Town of Bethel** is committed to upholding these laws, and realizes that these laws must be supplemented by an Affirmative Statement publicly endorsing the right of all people to full and equal housing opportunities in the neighborhood of their choice.

**NOW, THEREFORE, BE IT RESOLVED**, That the **Town of Bethel** hereby endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase, obtain financing and enjoy all other housing-related services of their choice on a non-discriminatory basis as provided by state and federal law; and

**BE IT FURTHER RESOLVED**, That the chief executive officer of the **Town of Bethel** or his/her designated representative is responsible for responding to and assisting any person who alleges to be the victim of an illegal discriminatory housing practice in the **Town of Bethel** and for advising such person of the right to file a complaint with the State of Connecticut Commission on Human Rights and Opportunities (CHRO) or the U. S. Department of Housing and Urban Development (HUD) or to seek assistance from the CT Fair Housing Center, legal services, or other fair housing organizations to protect his or her right to equal housing opportunities.

Discussion ensued. Vote, all in favor, motion approved unanimously.

**Consideration of Resolution of Tax Relief Program in accordance with Executive Order 7S:**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski to approve the resolution of tax relief program in accordance with Executive Order 7S which reads:

**TOWN OF BETHEL RESOLUTION RE: TAX DEFERMENT PROGRAM PURSUANT TO GOVERNOR LAMONT'S EXECUTION ORDER 2020-7S**

WHEREAS, on March 10, 2020, the Governor of the State of Connecticut ("Governor") declared a public health emergency and civil preparedness emergency for the State of Connecticut, pursuant to Connecticut General Statutes Sections 19a-131 and 28-9, in response to the global pandemic of COVID-19 disease associated with a novel coronavirus that is currently affecting multiple countries and states; and

WHEREAS, on March 13, 2020, the President of the United States ("President") declared a national emergency to combat the coronavirus that is currently infecting the population of the United States; and

WHEREAS, the effects the transmission of COVID-19 has resulted in the spread of infections in Connecticut and throughout the country, as well as resulting in shortages of personal protective equipment and other supplies that could jeopardize public safety and civil preparedness; and

WHEREAS, in response to the issuance of declarations of a public health emergency and civil preparedness emergency by the Governor he has issued a series of Executive Orders setting for the law governing the conduct of the business of state and municipal government during the period of the emergency;

WHEREAS, on April 1, 2020, the Governor issued Executive Order No. 7S ("EO 7S"), requiring municipalities, by a vote of its legislative body, participate in a deferment or low interest rate program; and

WHEREAS, participation a deferment program is in the best interest of the Town of Bethel.

NOW, THEREFORE, BE IT RESOLVED by the Board of Selectmen of the Town of Bethel as follows:

- 1) During the period of March 10, 2020, the date that Governor Lamont declared a public health and civil preparedness emergency, through and including July 1, 2020, the Town of Bethel shall participate in a deferment program and shall offer to eligible taxpayers, businesses, nonprofits, and residents a deferment by ninety (90) days of any taxes on real property, personal property or motor vehicles, and water and sewer charges and assessments ("Taxes") from the time such Taxes first became due and payable.
- 2) Eligible taxpayers, businesses, nonprofits, and residents are those that attest to or document significant economic impact by COVID-19, and/ or those that document they are providing relief to those significantly affected by the COVID-19 pandemic. The Town shall follow guidance as issued by the Secretary of the Office of Policy and Management as to which taxpayers, businesses, nonprofits, and residents shall be considered eligible for the deferment program.

Discussion ensued. Vote, all in favor, motion approved unanimously.

**Consideration of 2019 Water Main Replacement Project Resolution:**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton to approve the 2019 Water Main Replacement Project Resolution, which reads:

***TOWN OF BETHEL, CONNECTICUT  
2019 WATER MAIN REPLACEMENT PROJECT  
MUNICIPAL RESOLUTION***

WHEREAS, at the Bethel Special Town Meeting of September 24, 2019, the Town of Bethel approved a resolution to fund an amount, not to exceed \$998,000 for improvements in the form of water main replacements to the water system for the project referred to and known as the "2019 Water Main Replacement Project" which included the following streets: Mansfield Street, Grassy Plain Terrace,

Oakland Heights, Maple Lane, Highview Terrace from Grassy Plain Terrace up to 22 Highview Terrace, and designate Pleasant Street and Highview Terrace between 22 and 18 as alternative project options, said sum includes the amount of construction of \$882,660; legal fees and other estimated administrative costs in the amount of \$8,000; and, a total project contingency of 5% in the amount of \$44,133. Said funding shall come from bonding, bond anticipatory notes, other borrowing and/or other appropriation as recommended by the Comptroller to be reduced by any available grants obtained by the Town of Bethel and/or the Public Utilities Commission, if any.

**WHEREAS**, at the September 24, 2019 Special Town Meeting, the Town body approved the appropriation of the sum, not to exceed, \$998,000 for improvements to the water system for the project referred to and known as the “2019 Water Main Replacement Project”. Said sum includes construction costs of \$882,660; legal fees and other estimated administrative costs of \$8,000; and a total project contingency of 5% in the amount of \$44,133.

**WHEREAS**, the Town of Bethel, Connecticut, is desirous to make application to the State of Connecticut, Department of Public Health, or other such State agency, for loans and/or grants for funding to achieve the “2019 Water Main Replacement Project”.

**NOW, THEREFORE**, Matthew S. Knickerbocker, First Selectman of the Town of Bethel, Connecticut or his designee, is duly authorized to enter into and execute all applications, proposals and/or agreements on behalf of the Town of Bethel, Connecticut for any and all loans and/or grants from the State of Connecticut, Department of Public Health or other such State agency for funding to achieve the construction of the “2019 Water Main Replacement Project,” and all such loans shall be general obligations of the Town of Bethel backed by its full faith and credit.

**FURTHER**, Matthew S. Knickerbocker, First Selectman of the Town of Bethel, Connecticut or his designee, is authorized to provide such additional information and execute such other documents as may be required by any agency of the State of Connecticut in connection with any loans and/or grants submitted by the Town of Bethel, Connecticut for the construction of the “2019 Water Main Replacement Project” as to any amendments, rescissions, and/or revisions to the applications, proposals and/or agreements submitted thereto.

Discussion ensued. Vote, all in favor, motion approved unanimously.

**Consideration of appointment of special town counsel for the pending case entitled "Duracell U. S. Operations, Inc. v. Town of Bethel", Docket DBD-CV20-6035849-S in the Danbury Superior Court:**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski to appoint Ms. Kari F. Olson as lead attorney for the pending case entitled Duracell U.S. Operations, Inc. v. Town of Bethel”, Docket DBD-CV20-6035849-S in the Danbury Superior Court. Discussion ensued. Vote, all in favor, motion approved unanimously.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski to add “Discussion of Referendum” to the agenda. Vote, all in favor, motion approved unanimously.

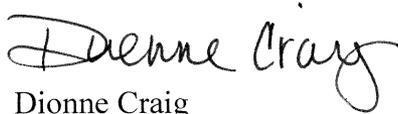
**Discussion of Referendum:**

Discussion ensued on the process of the referendum, executive orders from the Governor, number of citizens in Bethel that are unemployed and the postponement of the referendum.

Since there were no other items on the agenda, Selectman Straiton made a motion, which was seconded by Selectman Szatkowski to adjourn the meeting at 8:05. Vote, all in favor, motion approved unanimously.

To view this meeting online please see link provided: <https://youtu.be/IXsRTNdcgjQ>

Respectfully Submitted

A handwritten signature in cursive script that reads "Dionne Craig".

Dionne Craig  
Recording Secretary